

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 4, 2003

IN RE:

DELTA PHONES, INC. COMPLAINT AND  
PETITION FOR EXPEDITED RELIEF

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DOCKET NO.  
03-00425

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CORRECTION TO  
REPORT AND RECOMMENDATION OF HEARING OFFICER

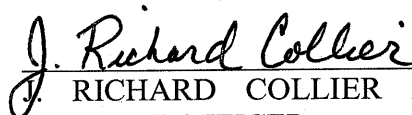
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It coming to the attention of the Hearing Officer in this matter that an error regarding the date is contained in the Recommendations section of the Report and Recommendation issued on August 1, 2003, the Hearing Officer hereby corrects paragraph 1 of the Recommendations on page 6 to read as follows:

1. Open a docket for the purpose of pursuing revocation of Delta Phones' certificate and issue an Order in that docket requiring Delta Phones to show cause why its reseller certificate should not be revoked if a surety bond or irrevocable letter of credit in the amount of \$20,000 is not filed with the Authority by the close of business on **Monday, August 11, 2003**.

Attached is a corrected page 6 which reflects the correct date of **Monday, August 11, 2003**, to be substituted for the page 6 in error in the Report and Recommendation issued on August 1, 2003.

Respectfully submitted,

  
J. RICHARD COLLIER ACTING AS  
HEARING OFFICER

to at the last TRA agenda conference, and filed a petition for approval of a change of control resulting from a stock sale last December.”<sup>7</sup> The letter also explained that Delta Phones has not obtained a \$20,000 surety bond or letter of credit because the company has not completed negotiations of a multi-state arrangement with an insurance carrier, but “expects to have those arrangements complete and a bond filed within ten days.”<sup>8</sup>

### **Recommendations**

Based upon the foregoing, the Hearing Officer recommends the following:

1. Open a docket for the purpose of pursuing revocation of Delta Phones’ certificate and issue an Order in that docket requiring Delta Phones to show cause why its reseller certificate should not be revoked if a surety bond or irrevocable letter of credit in the amount of \$20,000 is not filed with the Authority by the close of business on **Monday, August 11, 2003**.
2. Authorize the Hearing Officer to meet with the parties at a mutually agreeable date and time after the August 4, 2003 Conference for the purpose of ascertaining billing amounts in dispute and not in dispute and establishing an escrow account for payments by Delta Phones to BellSouth of undisputed portions of outstanding bills.
3. In the event that Delta Phones timely and properly files with the TRA a surety bond or irrevocable letter of credit in the amount of \$20,000, proceed with consideration of Delta Phones’ Petition for Approval of Transfer of Control in Docket No. 03-00457.
4. Authorize the Hearing Officer to issue an Order, in the event that Delta Phones fails to timely and properly file with the TRA a surety bond or irrevocable letter of credit in the

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<sup>7</sup> Letter of Henry Walker to Chairman Deborah Taylor Tate (July 31, 2003).

<sup>8</sup> *Id.*